

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS K. MILLS,

Plaintiff,

v.

ZACHERY JONES, et al.,

Defendants.

Case No. 1:23-cv-00134-ADA-EPG (PC)

ORDER RE: PLAINTIFF'S LETTER TO
COURT FILED JULY 19, 2023

(ECF No. 25)

Thomas Mills ("Plaintiff") is a state prisoner proceeding *pro se*. This case was dismissed, without prejudice, on June 30, 2023. (ECF No. 23). On July 19, 2023, Plaintiff filed a letter to the Court. (ECF No. 25). Plaintiff states that he wants to re-file this case after his release date. He states that he will be released on August 2, 2023, and argues that he should not have to pay any filing fee because he will no longer be a prisoner. He asks the Court to send any documents or notices concerning this case to his address that he will be "releasing to." He also requests an extension of fifteen days to re-file the complaint. Attached to the filing is, among other things, the complaint Plaintiff wants to re-file.

The purpose of this filing is not clear. The Court did not set a deadline for Plaintiff to re-file his case, and there is thus no deadline for the Court to extend. This case has been closed and if Plaintiff wishes to proceed, he must file his complaint in a separate case.

Additionally, as Plaintiff states that he wants the new case to be filed after his release date of August 2, 2023, he does not appear to be attempting to re-file the case at this time.

As Plaintiff was previously informed, he “may refile his action after he is released.” (ECF No. 21, p. 3). Plaintiff may file an application to proceed *in forma pauperis* if and when he refiles the complaint as a new case. The Court takes no position on whether Plaintiff will be required to pay the filing fee, and will take no further action on this filing.¹

IT IS SO ORDERED.

Dated: July 21, 2023

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE

¹ This order will be sent to the address that is listed on Plaintiff's attached complaint and his notice of change of address.